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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,408	01/14/2002	Eric S. Noya		9968

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03/28/2003

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EXAMINER

TAKEGUCHI, KATHY K

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,408

Applicant(s)

NOYA ET AL.

Examiner

Kathy Takeguchi

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

1. The present Office Action is a Non-Final Action taken in response to examination of Claims 1-18, presented in the application. Applicant is reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR 1.56.

2. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification, the drawings or the claims.

Claim Objections

3. Claim 14 is objected to because of the following informality: a typographical error.

In Claim 14 (line 2), "receiving *a* configuration write *commands*" should be changed to "receiving a configuration write *command*". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Stallmo et al (United States Patent 6,289,398).

As per Claims 1-3, 8-9, 15 and 18:

Hodges teaches a configurable RAID subsystem (e.g., MCU) comprising block storage devices to store a user data array connected to a user application (e.g., Column 8, line 40 to Column 11, line 57); a configuration array connected to a configuration application (e.g., Column 8, line 40 to Column 11, line 57); and a single block I/O path (e.g., Column 8, lines 31-33) connecting the user data array to the user application and the configuration array to the configuration application. Also, Hodges teaches the processing of configuration and user access commands via the block I/O path.

As per Claims 4,10, and 16-17:

Hodges further teaches a configurable RAID subsystem, wherein the user data array contains dynamic identification assigned by the configuration array and the configuration array includes static configuration information (e.g., Column 8, line 40 to Column 11, line 57). Additionally, Hodges teaches a plurality of configuration applications each having an associated application identification assigned by the configuration array (e.g., Column 9, line 65 to Column 15, line 24).

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As per Claims 5 and 11:

Hodges further teaches a configurable RAID subsystem comprising means for assembling and executing a configuration write command in the configuration application (e.g., Figure 8); means for processing the configuration write command in the configuration array (e.g., Columns 16, line 35 to Column 19, line 38); and means for returning status on the processing of the configuration write command to the configuration application via the block I/O path (e.g., “write complete” message).

As per Claims 6 and 12:

Hodges further teaches a configurable RAID, wherein the configuration application reads a predetermined block of the configuration array application to obtain an associated application identification (e.g., Figure 5).

As per Claims 7 and 13:

Hodges further teaches a means for assembling, processing, and executing read and write commands along with returning the requested configuration information data structure and status to the application (e.g., Column 11, line 59 to Column 19).

As per Claim 14:

Hodges further teaches receiving a configuration write command; locking the data structure; processing the configuration write command; unlocking the data structures; and returning the status to the configuration application (e.g., Column 16, lines 52-64).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathy Takeguchi whose telephone number is (703) 305-8115. The examiner can normally be reached on Monday - Friday, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Do H. Yoo can be reached on (703) 308-4908. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KT
Kathy Takeguchi
Art Unit 2187
March 24, 2003

Do Hyun Yoo
DO HYUN YOO
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